Remarks:

Reconsideration of the application is requested.

Claims 1 and 3-19 remain in the application. Claims 1 and 3 have been amended. A marked-up version of the claims is attached hereto on separate pages. Claims 8-19 have been withdrawn from consideration. Claim 2 has been cancelled.

In the last paragraph on page 2 of the Office action, claims 1-7 have been rejected as being fully anticipated by Desmarchais et al. (U.S. Patent No. 3,294,453) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in claim 2 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

maintaining a fluid flow out of the first vessel into the first part of the connecting element;

maintaining a second fluid flow flowing out of the second vessel in a second part of the connecting element; and

transporting the article through the connecting element with the first and second fluid flows being maintained.

The Desmarchais et al. reference discloses a hydraulic transfer of an article to be moved via a pipeline system arranged between two vessels. The Desmarchais et al. reference discloses moving a carriage assembly (94) by using either the static pressure head of water in a spent fuel pit (28) or using the static pressure head of a fluid in an enclosure (14).

The reference does not show maintaining a fluid flow out of the first vessel into the first part of the connecting element, maintaining a second fluid flow flowing out of the second vessel in a second part of the connecting element, and transporting the article through the connecting element with the first and second fluid flows being maintained, as recited in claim 1 of the instant application. The Desmarchais et al. reference discloses opening the valve (152) to allow fluid from the spent fuel pit to move the carriage (94), or opening

the valve (154) to allow fluid from the basin (15) to move the carriage (94). However, in no case is it possible for both valves to be used simultaneously. Therefore, the reference is not capable of maintaining a fluid flow out of a first vessel into a first part of the connecting element and maintaining a second fluid flow out of the second vessel into a second part of the connecting element during the transport of the article through the connecting tube. In the Desmarchais et al. reference it is only possible to maintain fluid flow out of one vessel at any given time during the transportation of the carriage. This is contrary to the invention of the instant application as claimed, in which fluid flow is maintained out of the first and second vessels into the connecting element during the transport of the article from one vessel to another.

Since claim 1 is believed to be allowable, dependent claims 3-7 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-7 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

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For Applicant(s)

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Marked-up version of the claims:

Claim 1 (amended). A method for transferring an article, in particular a nuclear fuel element, the method comprises:

providing a fluid-filled first vessel and a fluid-filled second vessel, the interiors of the vessels connected by a connecting element, the connecting element having a first part facing the first vessel and a second part facing the second vessel; and a transport device for moving the article through the connecting element;

maintaining a first fluid flow out of the first vessel into the first part of the connecting element; [and]

maintaining a second fluid flow flowing out of the second vessel in a second part of the connecting element; and

transporting the article through the connecting element with the first and second fluid [flow] flows being maintained.

Claim 3 (amended). The method according to claim [2] 1, which further comprises:

providing a first opening of the connecting element in the first vessel and a second opening of the connecting element in the second vessel; and

setting an essentially identical static pressure before the first fluid flow and the second fluid flow are generated.